

V. MISDEMEANORS AND OTHER OFFENSES

Criminal L.R. 58.1 Generally

- (a) In proceedings upon which no indictment is necessary (see Fed.R.Crim.P. 7(a)) deadlines in these local rules that run from arraignment on an indictment instead run from the entry of a not guilty plea on the trial document. (See Fed.R.Crim.P. 58(b)(1).)
- (b) Except as provided in Criminal L.R. 58(c) below, the defendant in an action on an infraction as defined in 18 U.S.C. § 19, and which is listed specifically in a schedule published by order of the Court pursuant to this rule, may pay the collateral fixed on the citation or complaint, if any, in lieu of appearance and by doing so authorizes the termination of proceedings and a default judgment in the amount of the sum fixed, pursuant to Fed.R.Crim.P. 58(d). The voluntary forfeiture of collateral under this rule must be treated as a finding of guilt on the infraction charged in the citation or complaint. The attorney for the government and the Clerk of Court then may execute such judgment without further notice to the defendant. If a person charged with an infraction under this rule fails to post and forfeit collateral, any punishment authorized by law may be imposed upon a finding of guilt.
- (c) Nothing in this rule precludes arrest or detention of any person accused of an infraction as defined by 18 U.S.C. § 19, or requiring the person accused to appear in person before a judicial officer, to the extent allowed by law.

Criminal L.R. 58.2 Trial of Misdemeanors and Other Petty Offense Cases

All misdemeanor and petty offense cases are randomly assigned to the magistrate judges in this district, who are authorized to conduct any or all proceedings in such matters. In all such cases in which the consent of the defendant is required, the magistrate judge must explain to the person charged that the person has a right to trial, judgment, and sentencing by a judge of the district court, and that the person may have a right to trial by jury before a district judge or magistrate judge. The magistrate judge must not try the case unless the defendant consents to be tried before the magistrate judge, specifically waiving a trial, judgment, and sentencing by a district judge. If the defendant elects to be tried before a district judge, the magistrate judge must return the case to the Clerk of Court's office which must reassign the case to a district judge.